

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : 23-CR-475(DLI)  
Plaintiff , :  
-against- : United States Courthouse  
JAMES YOUNG, : Brooklyn, New York  
Defendant. : December 3, 2024  
2:45 p.m.

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TRANSCRIPT OF CRIMINAL CAUSE FOR PLEADING  
BEFORE THE HONORABLE DORA L. IRIZARRY  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government: BREON PEACE  
United States Attorney  
BY: STEPHANIE PAK,  
Assistant United States Attorney  
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Brooklyn, New York 11201

For the Defendant: FEDERAL DEFENDERS OF NEW YORK  
One Pierrepont Plaza, 16th Floor  
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BY: ALLEGRA GLASHAUSSER, ESQ.

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Proceedings recorded by mechanical stenography, transcript  
produced by computer-aided transcription.

1 THE COURTROOM DEPUTY: Criminal cause for pleading,  
2 Docket No. 23-CR-475, United States vs. James Young.

3 Please state your appearances.

4 MS. PAK: Stephanie Pak for the Government.

5 Good afternoon, Your Honor.

6 THE COURT: Good afternoon.

7 MS. GLASHAUSSER: Good afternoon, Your Honor.

8 Allegra Glashuasser representing Mr. Young, who is  
9 seated next to me.

10 THE COURT: Good afternoon to both of you.

11 THE DEFENDANT: Good afternoon.

12 THE COURT: It's my understanding that Mr. Young  
13 wishes to withdraw his previously entered plea of not guilty  
14 to the indictment and enter a plea of guilty pursuant to a  
15 plea agreement to Count One of the indictment.

16 Is that correct, Ms. Glashuasser?

17 MS. GLASHAUSSER: Yes, Your Honor.

18 THE COURT: Mr. Young, is that what you wish to do  
19 today, sir?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Okay.

22 And as usual, I'm going to ask everyone to remain  
23 seated for this proceeding.

24 And would you please administer the oath to  
25 Mr. Young.

1 THE COURTROOM DEPUTY: Please raise your right hand.  
2 (Defendant sworn/affirmed.)

3 THE COURTROOM DEPUTY: Thank you.

4 THE COURT: And, Mr. Young, I'm going to ask you to  
5 keep your voice up nice and loud. Okay?

6 THE DEFENDANT: Yes.

7 THE COURT: All right.

8 And in order for me to determine whether your plea  
9 is a valid plea, I need to ask you certain questions. And  
10 with respect to these questions and anything else that gets  
11 discussed during this proceeding, if there is anything at all  
12 that you do not understand, please let me know that; I will be  
13 happy to reword the question or explain whatever it is that  
14 you do not understand. And it's important that you do not  
15 answer a question if you do not understand it. It does not  
16 matter to me how many times you ask me to explain something.  
17 Okay?

18 So, do I have your assurance that you will let me  
19 know if there is anything that you do not understand?

20 THE DEFENDANT: Yes, you do.

21 THE COURT: Thank you very much.

22 Now, some of these questions may seem a little  
23 counterintuitive, but please bear with me because I have to  
24 make a complete record.

25 Are you able to speak and understand English?

1 THE DEFENDANT: Yes.

2 THE COURT: Are you able too read and write in the  
3 English language?

4 THE DEFENDANT: Yes.

5 THE COURT: Have you had any difficulty at all  
6 communicating with your attorney during this case?

7 THE DEFENDANT: No, I have not.

8 THE COURT: And do you understand that you have the  
9 right to be represented by counsel at trial and every other  
10 stage of the proceedings, including this one?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Do you understand that if you cannot  
13 afford counsel, the Court may appoint counsel for you at no  
14 cost to you? And, in fact, Ms. Glashuasser is with the  
15 Federal Defenders office and she has been pointed by the Court  
16 at no cost to you.

17 Do you understand that?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: And if at any point in time you would  
20 like to consult with your attorney, just let me know that and  
21 I will give you the opportunity to consult with her. And,  
22 again, it doesn't matter to me how many times you ask to  
23 consult with her. I just want to make sure that you feel  
24 satisfied that you have had sufficient time to consult with  
25 your attorney.

1 Do I have your assurance that you will let me know  
2 if you wish to consult with Ms. Glashuasser?

3 THE DEFENDANT: Yes, you do, Your Honor.

4 THE COURT: Thank you.

5 Now, you have sworn to tell the truth. This means  
6 that if you answer any of my questions falsely, your answers  
7 later may be used against you in a separate prosecution for  
8 the crimes of perjury or of making a false statement. So  
9 those are entirely separate cases from this one.

10 Do you understand that?

11 THE DEFENDANT: Yes, I do, Your Honor.

12 THE COURT: I'm going to apologize upfront because  
13 my voice keeps kind of coming and going. Just tell me if you  
14 don't hear me properly.

15 For the record, sir, what is your full name?

16 THE DEFENDANT: James Edmund Young.

17 THE COURT: And could you spell Edmund for me?

18 THE DEFENDANT: E-d-m-u-n-d.

19 THE COURT: Okay.

20 How old are you now, sir?

21 THE DEFENDANT: 44.

22 THE COURT: And where were you born, just generally?

23 THE DEFENDANT: Elmhurst Hospital, Queens, New York.

24 THE COURT: And what is the highest grade that you  
25 completed in school?

1 THE DEFENDANT: Twelve.

2 THE COURT: So you have a high school graduate  
3 diploma?

4 THE DEFENDANT: Yes.

5 THE COURT: Okay.

6 Where did you go to school?

7 THE DEFENDANT: Long Island City High School,  
8 Queens, New York, Broadway and 21st Street, 11101.

9 THE COURT: Okay. Still remember that, huh?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: Okay. All right. I don't remember the  
12 zip code of my high school.

13 Are you presently or have you recently been under  
14 the care of a doctor?

15 Now, we know that you have been under medical care,  
16 correct?

17 THE DEFENDANT: Yes.

18 THE COURT: All right.

19 And with respect to that medical care, have you also  
20 been under the care of a psychiatrist?

21 Any kind of psychiatric or counseling or anything  
22 like that?

23 THE DEFENDANT: No.

24 THE COURT: Have you ever been hospitalized or  
25 treated for any mental illness?

1 THE DEFENDANT: No.

2 THE COURT: And with respect to the medical care,  
3 we've been getting weekly updates from the Government. So, if  
4 it's all right with Counsel, I would just like to incorporate  
5 those. They've been filed under seal on the docket and  
6 outline the care that Mr. Young has been getting, or at times  
7 not getting.

8 MS. GLASHAUSSER: That's fine, Your Honor.

9 THE COURT: Okay.

10 Have you ever been hospitalized or treated for  
11 addiction to drugs or to alcohol? That would include  
12 outpatient or residential drug treatment.

13 THE DEFENDANT: Never.

14 THE COURT: In the past 24 hours, have you consumed  
15 any narcotic drugs?

16 THE DEFENDANT: No.

17 THE COURT: Are they giving you antibiotics for your  
18 infection?

19 THE DEFENDANT: No.

20 THE COURT: Okay.

21 And aside from the medications that you had been  
22 given in connection with your care right now that we've been  
23 documenting, have you consumed any other kinds of medications,  
24 including what might be over the counter, like aspirin,  
25 Tylenol, anything like that?

1 THE DEFENDANT: Stool softener.

2 THE COURT: Okay. All right.

3 But is that something that they're also giving you  
4 as part of your treatment?

5 THE DEFENDANT: They started yesterday because I was  
6 constipated for four days.

7 THE COURT: Okay. All right.

8 Okay. And in the past 24 hours, have you consumed  
9 any alcoholic beverages?

10 THE DEFENDANT: No.

11 THE COURT: As you sit here right now, is your mind  
12 clear?

13 THE DEFENDANT: Yes.

14 THE COURT: Do you understand everything that is  
15 going on here today?

16 THE DEFENDANT: Yes.

17 THE COURT: Ms. Glashuasser, have you discussed this  
18 matter with your client?

19 MS. GLASHAUSSER: Yes, Your Honor.

20 THE COURT: And in your opinion, is he capable of  
21 understanding the nature of these proceedings?

22 MS. GLASHAUSSER: Yes, Your Honor.

23 THE COURT: In your opinion, does he understand the  
24 rights he will be waiving by pleading guilty?

25 MS. GLASHAUSSER: Yes, Your Honor.



1 THE COURT: Do you have any doubt as to Mr. Young's  
2 competence to plead at this time?

3 MS. GLASHAUSSER: No, Your Honor.

4 THE COURT: Have you advised him of the maximum  
5 sentence and fine that can be imposed?

6 MS. GLASHAUSSER: Yes, Your Honor.

7 THE COURT: Have you also discussed with Mr. Young  
8 the operation of the advisory Sentencing Guidelines?

9 MS. GLASHAUSSER: Yes, Your Honor.

10 THE COURT: Mr. Young, have you had sufficient  
11 opportunity to discuss this case with Ms. Glashuasser?

12 THE DEFENDANT: Yes.

13 THE COURT: And are you fully satisfied with the  
14 representation and advice given to you in this case by your  
15 attorney?

16 THE DEFENDANT: Yes.

17 THE COURT: Have you received a copy of the  
18 indictment that has been filed in this case? The indictment  
19 is that document that contains the charges lodged against you.

20 THE DEFENDANT: Yes.

21 THE COURT: And specifically, have you discussed  
22 with Ms. Glashuasser Count Number One? It charges you with  
23 what is called a Hobbs Act robbery. Have you consulted with  
24 her about that?

25 THE DEFENDANT: Yes.

1           THE COURT: Now, that charge reads as follows, that  
2 on or about April 12, 2023, within the Eastern District of  
3 New York and elsewhere -- the Eastern District of New York  
4 includes Brooklyn, Queens, Staten Island and all of  
5 Long Island -- the defendant, James Young, together with  
6 others, did knowingly and intentionally obstruct, delay and  
7 affect commerce, and the movement of articles and commodities  
8 in commerce, by robbery, to wit, the robbery of United States  
9 currency -- in other words, money -- from a deli and smoke  
10 shop located on Broadway in Queens, New York, the identity of  
11 which is known to the Grand Jury.

12           Do you understand that charge?

13           THE DEFENDANT: Yes.

14           THE COURT: Okay.

15           In essence, a Hobbs Act robbery usually refers to  
16 the robbery of some sort of commercial establishment.

17           Do you understand that?

18           THE DEFENDANT: Yes.

19           THE COURT: Okay.

20           Now, again, I'm going to remind you that if there is  
21 anything you do not understand, please let me know; I will be  
22 happy to explain it. The reason why I repeat that is because  
23 I am about to explain to you the rights that you have that,  
24 indeed, anybody has when they are charged with a crime. These  
25 are rights you have under the Constitution and laws of the

1 United States. It's important that you understand these  
2 rights because when you plead guilty, you waive these rights  
3 or you give them up. So, later on it's going to be too late  
4 to say: I didn't understand what Judge Irizzary was telling  
5 me. Okay? So now would be the time.

6 Again, do I have your assurance you will let me know  
7 if there is anything at all you do not understand?

8 THE DEFENDANT: Yes.

9 THE COURT: Or if you want to consult with  
10 Ms. Glashuasser?

11 THE DEFENDANT: Yes.

12 THE COURT: Okay. Thank you.

13 So, the first and the most important thing that you  
14 must understand is that you do not have to plead guilty even  
15 if you are guilty. And that's because under our legal system,  
16 the prosecutor, or the Government, has the burden of proving  
17 the guilt of a defendant beyond a reasonable doubt. And if  
18 the prosecutor cannot or does not meet her burden of proof,  
19 then the jury has the duty to find the defendant not guilty  
20 even if the defendant is guilty. In other words, it's a  
21 question of the jury's determination about the quality and the  
22 quantity of the proof that's presented by the Government.

23 Do you understand that?

24 THE DEFENDANT: Yes.

25 THE COURT: What this also means is that even if you

1 are guilty, you have a choice. You have two choices. And it  
2 is up to you to decide what to do. It is not up to your  
3 lawyer, your family, your friends or anyone else. You may  
4 choose to withdraw your previously entered plea of not guilty  
5 and plead guilty, as you apparently wish to do today. That's  
6 one choice. Or, you may choose to go to trial simply by  
7 persisting in your plea of not guilty and make the Government  
8 meet its burden of proving your guilt beyond a reasonable  
9 doubt.

10 Do you understand those two choices?

11 THE DEFENDANT: Yes.

12 THE COURT: If you plead not guilty, under the  
13 Constitution and laws of the United States you are entitled to  
14 a speedy and public trial by a jury with the assistance of  
15 counsel on the charges that are contained in the indictment  
16 that is filed with the Court.

17 Do you understand that?

18 THE DEFENDANT: Yes.

19 THE COURT: At the trial, you would be presumed  
20 innocent. You would not have to prove that you are innocent.  
21 It is the Government's burden to overcome that presumption and  
22 prove you guilty by competent evidence -- that means  
23 admissible evidence -- and beyond a reasonable doubt.

24 Do you understand that?

25 THE DEFENDANT: Yes.

1 THE COURT: If the Government does not meet its  
2 burden, then the jury would have the duty to find you not  
3 guilty.

4 Do you understand that?

5 THE DEFENDANT: Yes.

6 THE COURT: By pleading guilty, you are giving up  
7 your right to have the Government satisfy its burden that you  
8 are guilty beyond a reasonable doubt.

9 Do you understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: In the course of the trial, the  
12 witnesses for the Government would have to come to court and  
13 testify in your presence. Your attorney would have the right  
14 to cross-examine the witnesses for the Government. She could  
15 object to any evidence offered by the Government and she could  
16 offer evidence on your behalf, which includes the right to  
17 subpoena or compel witnesses to come to court and testify.  
18 Your attorney also may raise any defenses that you may have  
19 available to you under the law.

20 Do you understand that?

21 THE DEFENDANT: Yes.

22 THE COURT: By pleading guilty and if I accept your  
23 plea, you give up your right to confront the witnesses who  
24 testify against you. You also give up your right to offer  
25 evidence on your own behalf. You give up your right to compel

1 witnesses to come to court and testify. And, you also give up  
2 your right to raise any defenses you may have under the law.

3 Do you understand that?

4 THE DEFENDANT: Yes.

5 THE COURT: At a trial, you have the right to  
6 testify on your own behalf, but only if you choose to do so.  
7 You are not required to testify. Under the Constitution of  
8 the United States, a defendant in a criminal case cannot be  
9 forced to take the witness stand at his trial and say anything  
10 that could be used against him to show that he is guilty of  
11 the crimes with which he is charged. If you decided not to  
12 testify, then I would instruct the jury that they could not  
13 hold your silence against you. This is called your right  
14 against self-incrimination.

15 Do you understand that right?

16 THE DEFENDANT: Yes.

17 THE COURT: By pleading guilty, you are admitting  
18 your guilt from your own mouth and you give up your right  
19 against self-incrimination.

20 Do you understand that?

21 THE DEFENDANT: Yes.

22 THE COURT: If you plead guilty, I must ask you  
23 questions about what you did in order to satisfy myself that  
24 you, in fact, are guilty of the charge to which you are  
25 pleading guilty and you will have to answer my questions

1 truthfully and acknowledge your guilt. In that regard, I  
2 remind you that you have taken an oath to answer my questions  
3 truthfully.

4 Do you understand that?

5 THE DEFENDANT: Yes.

6 THE COURT: In other words, it is not enough just to  
7 say that you are guilty of the particular -- in other words,  
8 it's not enough just to say that you are guilty, you must tell  
9 me what it is that you did that makes you guilty of the  
10 particular charge to which you are pleading guilty.

11 Do you understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: If you plead guilty and I accept your  
14 plea, you will be giving up your constitutional right to a  
15 trial and all these other rights that I have just discussed.  
16 There will be no further trial of any kind. I will simply  
17 enter a judgment of guilty on the basis of your guilty plea.

18 Do you understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: Now, if you decided to go to trial and a  
21 jury found you guilty, you could appeal both the verdict and  
22 the sentence. By pleading guilty and by entering into the  
23 plea agreement that's before the Court, you will have waived  
24 or given up your right to appeal or to collaterally attack all  
25 or part of the sentence that I will impose if I should impose

1 a term of imprisonment of 87 months or something less than  
2 that.

3 Do you understand that?

4 THE DEFENDANT: Yes.

5 THE COURT: Okay.

6 I'm going to talk some more about the plea  
7 agreement, but that particular paragraph, paragraph 4, that  
8 includes that waiver of right to appeal, also has some other  
9 waivers in there; for example, any defenses based on statute  
10 of limitations or venue or constitutionality of the statute  
11 and various other waivers.

12 Are you familiar with that paragraph?

13 THE DEFENDANT: Yes.

14 THE COURT: Have you had a chance to review that  
15 paragraph specifically with your lawyer?

16 THE DEFENDANT: Yes, I have.

17 THE COURT: Okay.

18 And you know, paragraph 4, because I made reference  
19 to it doesn't mean it's more important than anything else that  
20 is in that plea agreement that we are going to talk about some  
21 more later. The entire document is important. But since  
22 we're talking about the waiver, I want to make sure you  
23 understand that there were some other things included in  
24 there.

25 Do you understand all that?



1 THE DEFENDANT: Yes.

2 THE COURT: Any questions at all about it?

3 THE DEFENDANT: None at all.

4 THE COURT: Thank you.

5 Are you willing to give up your right to a trial and  
6 the other rights that I have just discussed?

7 THE DEFENDANT: Yes.

8 THE COURT: Now, I mentioned the plea agreement. I  
9 do have before me a document that consists of multiple pages  
10 entitled Plea Agreement. It's marked as Government Exhibit  
11 No. 1. On the last page it has today's date.

12 Ms. Pak, is that your signature in the upper  
13 right-hand corner?

14 MS. PAK: Yes, that is, Your Honor.

15 THE COURT: And do you recognize the signature below  
16 that of yours to be that of Philip Pilmar Supervising  
17 Assistant U.S. Attorney?

18 MS. PAK: I do, Your Honor.

19 THE COURT: Thank you.

20 So right below Mr. Pilmar's signature, there is a  
21 very small typewritten paragraph that reads as follows: I  
22 have read the entire agreement and discussed it with my  
23 attorney. I understand all of its terms and am entering into  
24 it knowingly and voluntarily.

25 Right below that, Mr. Young, is that your signature?

1 THE DEFENDANT: Yes.

2 THE COURT: And Ms. Glashuasser, below Mr. Young's  
3 signature, is that your signature?

4 MS. GLASHAUSSER: Yes, Your Honor.

5 THE COURT: Thank you.

6 Mr. Young, have you read this written plea  
7 agreement?

8 THE DEFENDANT: Yes.

9 THE COURT: And have you reviewed this entire plea  
10 agreement with your attorney?

11 THE DEFENDANT: Yes, I have.

12 THE COURT: And do you understand all of the terms  
13 of this written plea agreement?

14 THE DEFENDANT: Yes, I do.

15 THE COURT: And does this written plea agreement  
16 accurately represent the entire understanding or agreement  
17 that you have reached with the Government?

18 THE DEFENDANT: Yes, it does.

19 THE COURT: Ms. Glashuasser, have you read and  
20 reviewed with Mr. Young the written plea agreement that is  
21 before the Court?

22 MS. GLASHAUSSER: Yes, Your Honor.

23 THE COURT: And does it reflect your understanding  
24 of the entire agreement that your client has entered into with  
25 the Government?

1 MS. GLASHAUSSER: Yes, Your Honor.

2 THE COURT: Ms. Pak, does this written plea  
3 agreement reflect the Government's understanding of the entire  
4 agreement that it has entered into with Ms. Glashuasser and  
5 her client?

6 MS. PAK: Yes, it does, Your Honor.

7 THE COURT: Thank you.

8 Now I'm about to explain to you the sentencing  
9 scheme that is applicable here, and that has been laid out for  
10 you in the first few pages of the plea agreement.

11 Before we get to that, I just want to go over some  
12 very practical things that will happen if I accept your plea  
13 of guilty today. Okay?

14 THE DEFENDANT: Yes.

15 THE COURT: If that happens, then what is going to  
16 happen is, by electronic order, I am going to set a schedule.  
17 It's going to have two dates. One date is going to be for the  
18 sentencing hearing date. Okay? Then you come to court. That  
19 is for the date of sentencing. Your lawyer, Probation, the  
20 Government and the Court, we are all going to be here that  
21 day.

22 There is a second date which is also important and  
23 that is the date for Probation to disclose the presentence  
24 report. You don't come to court on that day. That is for  
25 Probation to disclose, finish preparation of and disclose the

1      resentence report. And it's also going to have a whole  
2      schedule for the attorneys to file objections to the  
3      presentence report, respond to each other's objections and to  
4      submit sentencing memoranda for the Court.

5                      Now, that presentence report is very important  
6      because it will assist the Court in determining what sentence  
7      to impose.

8                      So, Probation is going to interview you. You will  
9      have a right to have your attorney present for that interview,  
10     which I strongly recommend and I have no doubt Ms. Glashuasser  
11     will be there with you. Okay?

12                     It's very important because they are going to talk  
13     to you about everything about your life, from the day you were  
14     born, your schooling, any jobs that you had, your health.  
15     Okay? Your finances. All of those things. Okay? Because  
16     there is a lot that I have to decide: Whether to impose a  
17     fine, how much fine I can impose, whether you can afford to  
18     pay a fine. We will talk some more about this, but there is  
19     going to be restitution here. That is something else I have  
20     to take into consideration, could you afford a fine and  
21     restitution. So, it's important you are honest with Probation  
22     with respect to those things.

23                     And obviously, it's important for me to know about  
24     your background because at the end of the day, when I impose  
25     sentence, it's on a human being; it's not on a piece of paper,

1 it's not on a case number. So, how did Mr. Young get here?  
2 You know, what was his background? Right? What is he about?  
3 That's what that is going to let me know.

4 Probation, you should understand, is an arm of the  
5 Court. They do not work for the Defense, they do not work for  
6 the Government. Their role, among other roles, is to help the  
7 Court in determining what is an appropriate sentence in every  
8 case. So, they're also going to talk to the Government to  
9 find out what the evidence was in the case, what can they  
10 prove by a preponderance of the evidence. So they'll talk to  
11 the Government. And Probation is also going to do its own  
12 calculation of what they think the guideline range should be.  
13 It might be different from what your lawyer thinks it might be  
14 or the Government thinks it might be. They might agree. I  
15 might disagree with Probation. Because ultimately, I make  
16 that final decision. They are going to make their own  
17 calculation, which also includes calculating your criminal  
18 history. Right? And the offense conduct points that go  
19 towards making that calculation. And sometimes Probation  
20 finds information that was not available to either the Defense  
21 or the Government. It happens sometimes. So sometimes they  
22 come up with a different number:

23 They are also going to point out any factors that  
24 they think would warrant either a departure under the advisory  
25 guidelines, either above or below the guidelines, or what is

1 called a variance or a nonguidelines sentence, either above or  
2 below whatever the guideline range is. So they are going to  
3 point that out as well.

4 And they are going to make a sentence recommendation  
5 as well. And it's my policy to disclose that sentence  
6 recommendation to all the parties so we are all working with  
7 the same information. And there is a lot that I have to take  
8 into consideration, so I also like to have the lawyers give me  
9 something in writing with respect to what their sentence  
10 recommendation is and why. Okay?

11 With that presentence report, like I said, the  
12 lawyers are going to have a chance -- you will have a chance  
13 to review it with your attorney, object to anything you think  
14 is incorrect there. If we have to have a hearing, we can have  
15 a hearing. It's called a Fatico hearing. Okay? It doesn't  
16 happen all the time, but it can be held if we need to  
17 determine some facts; if there is a dispute about facts that  
18 go into the presentence report. Okay?

19 So, that presentence report is going to take a while  
20 to prepare. So I don't want you to despair or think that  
21 we've all forgotten about you, I took a plea and it's been a  
22 while. It could take up to 12 weeks, even longer sometimes  
23 depending on how complicated the case is. We have not  
24 forgotten. There is just a lot of work that goes into that  
25 preparation for sentencing. Okay? And that is why I am

1 explaining that to you, because I want you to understand that  
2 from my point of view what happens behind the scenes. Okay?

3 In addition, when we do get to the sentencing  
4 hearing, of course, as I said, everyone is going to be here.  
5 At that time, if there are any outstanding objections to the  
6 presentence report that don't require a hearing or maybe I've  
7 already -- there are things that come up even after a hearing  
8 has been held, I will resolve those.

9 And at that time it's my job to determine what the  
10 guideline range should be. It could be the same as what the  
11 parties think it is, I could disagree, I could agree with  
12 Probation, I might disagree. But I make that final decision.  
13 And sometimes I need to hear from the parties and Probation at  
14 the sentence hearing. Okay? So we won't really know until  
15 that day what exactly will be the guideline range that applies  
16 here.

17 In addition, because I have to consider other things  
18 besides the guidelines, which are not mandatory by the way,  
19 okay, they're not binding on the Court, I have to consider  
20 what are called 3553(a) factors. They are factors that are in  
21 a statute. Okay?

22 So I will turn the floor over to the lawyers so that  
23 they can give me their recommendations and why.

24 The law also gives you a right to make a statement  
25 before I impose sentence and I will be happy to hear from you

1 if you wish to make a statement.

2 So it's not until all of that has happened that I  
3 will impose sentence.

4 I know it's a long explanation, but do you  
5 understand that process?

6 THE DEFENDANT: Yes, I do.

7 THE COURT: Okay.

8 So the reason why I explain all of this to you today  
9 is because I do not want you to assume from anything that I  
10 tell you today that I have some preconceived idea as to what  
11 sentence I will be imposing in this case, because I don't have  
12 any of this information. I have none of it. I haven't heard  
13 from anybody. Okay? So, I don't want you to assume that.

14 Do you understand?

15 THE DEFENDANT: Yes.

16 THE COURT: Okay.

17 However, I do have an obligation as we sit here  
18 today to make sure that you fully understand the consequences  
19 of pleading guilty, which takes us to the sentencing scheme  
20 that is applicable here.

21 Do you follow me so far?

22 THE DEFENDANT: Yes.

23 THE COURT: Okay. Thank you.

24 All right. So, you're pleading guilty under  
25 Count One, the Hobbs Act robbery that I read to you a moment



1 ago. That has no minimum term of imprisonment and the maximum  
2 term of imprisonment is 20 years. If I were to impose a term  
3 of imprisonment, I would also impose a term of supervised  
4 release. The maximum term of supervised release that I could  
5 impose is three years. So, what that would mean is that once  
6 you're done serving your initial sentence, then you would come  
7 under the supervision of the Department of Probation. And  
8 they're going to have what are called standard conditions of  
9 supervised release; for example, that you report to Probation  
10 as directed. I may impose certain special conditions of  
11 supervised release, for example, that you not possess a  
12 firearm. If you were to violate any one of the conditions of  
13 supervised release, whether it's a special condition or a  
14 standard or mandatory condition of supervised release, then  
15 you can receive additional jail time up to two years. You  
16 will not get credit for any of the time that you spent on  
17 supervised release, even if you were close to the end of your  
18 supervised release term, and you will not get credit for any  
19 time that you already spent in jail under your original  
20 sentence.

21 Do you understand all that?

22 THE DEFENDANT: Yes.

23 THE COURT: Okay.

24 There is a maximum fine, which is the greater of  
25 \$250,000 or twice the gross gain or twice the gross loss.

1 And what is the gross gain or loss here, Ms. Pak?

2 MS. PAK: The loss here is \$1,200 for Count One.

3 THE COURT: All right.

4 So then the operative maximum fine would be  
5 \$250,000.

6 And again, as I mentioned to you, whether or not I  
7 impose a fine is going to depend on your finances and all of  
8 that.

9 Understand?

10 THE DEFENDANT: Yes.

11 THE COURT: There is also restitution applicable  
12 here. And according to the plea agreement, you have agreed to  
13 restitution in the amount of \$5,100, which includes  
14 restitution for victims in all counts of the indictment.

15 Correct? That's four counts in the indictment?

16 MS. PAK: That's correct, Your Honor.

17 THE COURT: Okay.

18 Do you understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: Okay.

21 Is the Government planning to submit a separate  
22 restitution order?

23 MS. PAK: I believe, Your Honor, upon consultation  
24 with Defense Counsel, we will be most likely doing so.

25 THE COURT: Okay.

1           So if you would kindly do that by January 14th --  
2 we're already in 2024 -- '25.

3           MS. PAK: Yes, Your Honor.

4           THE COURT: Okay. Thank you.

5           And if you could send a copy of that in Word to my  
6 deputy in case something needs to get attested, I would  
7 appreciate that.

8           MS. PAK: A Word version, Your Honor?

9           THE COURT: Yes.

10          MS. PAK: Yes, Your Honor. Certainly.

11          THE COURT: You can send it both in PDF and in Word,  
12 just in case.

13          That should give you time enough to review it with  
14 Ms. Glashuasser.

15          There is also a special assessment of \$100 that the  
16 Court must impose. Those are court costs.

17          Now, there are a couple of things that are not  
18 included in the plea agreement but that I like to review  
19 because I'm just a belt and suspenders kind of person.

20          So, you have told me that you were born in Queens,  
21 New York. Very specifically, you gave me the name of the  
22 hospital and all of that. So, I have no doubt to believe that  
23 you are a citizen of the United States. However, it has  
24 happened that people have sat in that chair and have thought  
25 that they were citizens because they have early baby memories

1 of being in this country and it turned out that they were not  
2 citizens. So, I just want to advise you that if it should  
3 turn out that you are not a citizen of the United States, that  
4 you could be removed from the United States to whatever your  
5 country of origin is. Okay?

6 Now, I'm just saying that out of an abundance of  
7 caution. Because I get this quizzical look all the time: Why  
8 is she telling me that? I was born in Brooklyn or Queens.  
9 All right? Because it's happened that people have sat there  
10 and thought that they were citizens when, in fact, they were  
11 not.

12 Now, the Government doesn't think that you were born  
13 somewhere else, okay, from the way that the plea agreement was  
14 drafted and I'm sure. But I just wanted to advise you of  
15 that.

16 Understanding that, do you still wish to enter a  
17 plea of guilty?

18 THE DEFENDANT: Yes.

19 THE COURT: Okay.

20 Now, the other thing that I do want to advise you  
21 about is that you are pleading guilty to a felony. Okay? So,  
22 a felony is a criminal offense for which a sentence of more  
23 than one year can be imposed. What that means is that under  
24 the current state of federal law, you would be a person who is  
25 prohibited from possessing a firearm. So, if you were found

1 in possession of a firearm anywhere in the United States or in  
2 the territories of the United States where federal law  
3 applies, that is a crime for which a maximum sentence of  
4 15 years could be imposed if you were found guilty of  
5 possessing a firearm.

6 Do you understand that?

7 THE DEFENDANT: Yes.

8 THE COURT: Okay.

9 New York State has a similar statute, by the way.  
10 Whether they apply it or not, I have no idea.

11 But you should be aware that under federal law as it  
12 stands right now, the possession of a firearm by a person with  
13 a felony conviction is an offense. Okay? A criminal offense.  
14 Another felony. And you could go to jail for up to 15 years.

15 Do you understand that?

16 THE DEFENDANT: Yes.

17 THE COURT: Okay.

18 And, in addition, if you were found guilty of that  
19 offense, that would also be a violation of your supervised  
20 release. In fact, the mere possession of the firearm could be  
21 a violation of your supervised release. And again, you could  
22 go to jail for up to two years. If you were found guilty of  
23 the felony of being in possession of the firearm, then that  
24 sentence for the violation of the supervised release would  
25 have to run consecutive to that. Right? So one sentence

1 would follow the other.

2 Do you understand that I'm saying?

3 THE DEFENDANT: Yes.

4 THE COURT: Okay.

5 Understanding all that, do you still wish to enter a  
6 plea of guilty?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Any questions about any of this?

9 THE DEFENDANT: No.

10 THE COURT: Now, I gave you a whole long explanation  
11 about what goes into sentencing. The bottom line is, until  
12 the date of sentencing, when we get here and everybody has had  
13 a chance to look at everything, we're not going to know until  
14 I actually pronounce it what the guideline range is going to  
15 be and we're also not going to know whether or not there are  
16 departures that are applicable, either above or below the  
17 guideline range, or whether or not a nonguidelines sentence is  
18 reasonable under all of the circumstances.

19 Nonetheless, I am going to ask the lawyers at this  
20 time to give me their best estimate as to what the guidelines  
21 are likely to say based on the facts that are available to  
22 them at this point in time.

23 Please keep in mind that this is a guess that could  
24 be wrong. Do you understand that?

25 THE DEFENDANT: Yes.

1 THE COURT: And Ms. Pak, what is the Government's  
2 estimate as to where within the guidelines Mr. Young falls?

3 MS. PAK: Your Honor, the Government's estimate,  
4 based on an offense level totaling 23 and a Criminal History  
5 Category of V, accounting for both the two-level reduction for  
6 acceptance of responsibility under the Sentencing Guidelines  
7 Section 3E1.1(a) as well as the additional third point for  
8 early acceptance of responsibility bringing down the offense  
9 level of 23 to 20 and then taking into account the Criminal  
10 History Category of V, the current estimate is a range of  
11 imprisonment of 63 to 78 months. That's six-three.

12 THE COURT: And Ms. Glashuasser, are you in  
13 agreement with that estimate?

14 MS. GLASHAUSSER: Yes, Your Honor.

15 THE COURT: I know that the parties, in the plea  
16 agreement, also stipulated to that guidelines calculation, but  
17 as the plea agreement accounts for, ultimately the Court makes  
18 that final determination and it could be different from what  
19 is in the plea agreement.

20 Do you understand that, Mr. Young?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Okay.

23 Do you understand that this estimate that we have  
24 just talked about here is not binding on the Government,  
25 Probation or the Court?

1 THE DEFENDANT: Yes, I do.

2 THE COURT: Do you also understand that if this  
3 estimate is wrong, you will not be permitted to withdraw your  
4 plea of guilty?

5 THE DEFENDANT: Yes, I do.

6 THE COURT: Do you have any questions that you would  
7 like to ask me about the charge, your rights, or anything else  
8 at all concerning this matter?

9 THE DEFENDANT: I do not have any questions at this  
10 time.

11 THE COURT: Okay. Thank you.  
12 You say "at this time." This is the time to ask.  
13 No?

14 THE DEFENDANT: No questions.

15 THE COURT: Okay.

16 Ms. Glashuasser, do you know of any reason why your  
17 client should not plead guilty?

18 MS. GLASHAUSSER: No, Your Honor.

19 THE COURT: Are you aware of any viable legal  
20 defense to the charge?

21 MS. GLASHAUSSER: No, Your Honor.

22 THE COURT: Mr. Young, are you ready to plead at  
23 this time?

24 THE DEFENDANT: Yes, I am, Your Honor.

25 THE COURT: Do you wish to consult with



1 Ms. Glashuasser before you plead?

2 THE DEFENDANT: I do not wish to consult.

3 THE COURT: And what is your plea to Count One of  
4 the indictment charging you with Hobbs Act robbery, guilty or  
5 not guilty?

6 THE DEFENDANT: Guilty.

7 THE COURT: Are you pleading guilty voluntarily and  
8 of your own free will?

9 THE DEFENDANT: Yes.

10 THE COURT: Has anyone threatened or forced you to  
11 plead guilty?

12 THE DEFENDANT: No.

13 THE COURT: Other than the promises contained in the  
14 written plea agreement, has anyone made any other promises to  
15 you to get you to plead guilty?

16 THE DEFENDANT: No.

17 THE COURT: Has anyone made any promise to you as to  
18 what your final sentence will be?

19 THE DEFENDANT: No.

20 THE COURT: Do you want me to review the charges  
21 with you again?

22 THE DEFENDANT: No.

23 THE COURT: So at this point in time I would like  
24 for you to describe for me in your own words what you did in  
25 connection with the acts that are charged in Count One.

1 THE DEFENDANT: On 4/12/23, I brandished a firearm  
2 in a commercial deli to receive U.S. currency and I obtained  
3 it. And I was in Queens, New York.

4 THE COURT: Okay.

5 And what is the Government's proof with respect to  
6 the obstruction, delay and affecting commerce and the movement  
7 of articles and commodities in commerce?

8 MS. PAK: Your Honor, the Government's proof would  
9 be the theft of U.S. currency that was stolen from the  
10 establishment on this date, that currency having been used in  
11 interstate commerce. The establishment that was robbed does  
12 sell goods that are -- that travel through interstate  
13 commerce, that cash is exchanged as part of that as well.

14 THE COURT: Okay.

15 Is the allocution satisfactory to the Government?

16 MS. PAK: Yes, Your Honor, it is.

17 MS. GLASHAUSSER: Your Honor, if I may?

18 THE COURT: Yes, you may.

19 MS. GLASHAUSSER: I would like if Mr. Young could  
20 redo the allocution, which is a bit differently than we had  
21 planned, if that's all right, and have the second allocution  
22 be noted as the correct one.

23 THE COURT: Okay.

24 You have something written?

25 MS. GLASHAUSSER: Yes, Your Honor.

1 THE COURT: Okay. You can read from it. That's  
2 perfectly fine.

3 THE DEFENDANT: On April 12, 2023, I robbed a deli  
4 and took money. This was in Queens, New York.

5 THE COURT: Well, the difference is that in the  
6 prior allocution he noted that he brandished a firearm.

7 MS. GLASHAUSSER: Correct, Your Honor. And that is  
8 not part of the agreement here and it is not something --  
9 that's not part of his guilty plea, Your Honor.

10 THE COURT: Except that the guidelines range is  
11 premised on the use of a dangerous weapon during the  
12 commission of the offense.

13 MS. GLASHAUSSER: That's correct, Your Honor. That  
14 legal definition is just a bit different and so this, this  
15 allocution better matches both our agreement, the indictment  
16 and the guideline range as well.

17 THE COURT: Do you wish to be heard, Ms. Pak?

18 MS. PAK: No, Your Honor.

19 THE COURT: Are you in agreement with  
20 Ms. Glashuasser's comment?

21 MS. PAK: Yes, that's fine.

22 THE COURT: Request?

23 Okay. Your request is granted.

24 MS. GLASHAUSSER: Thank you, Your Honor.

25 THE COURT: Based on the information given to me, I

1 find that Mr. Young is acting voluntarily, that he understands  
2 his rights and the consequences of his plea and that there is  
3 a factual basis for the plea. I, therefore, I accept his plea  
4 of guilty to Count One of the indictment.

5 So, the parties shall just look for the scheduling  
6 order. Okay? And the process for objecting to the  
7 presentence report is very clearly spelled out in the  
8 scheduling order. Please keep in mind a few things, that all  
9 objections, whether or not you have objections to the  
10 presentence report, must be in writing, forwarded to  
11 Probation, and please make sure I get a hard courtesy copy  
12 right away. And the same thing with the sentencing memoranda,  
13 if you could forward a copy to Probation. I'm sure they will  
14 take it by e-mail. And make sure that -- I only need one hard  
15 courtesy copy of everything. You don't need to send me  
16 multiples. Okay?

17 If you have any questions about it, my deputy can  
18 assist you. But it should be clearly spelled out in the  
19 order, because you will have definite dates that things are  
20 due.

21 And I understand that, you know, trials happen, life  
22 happens. If for some reason you can't keep the deadlines, I  
23 would very much appreciate if you let us know as early as  
24 possible because it might mean adjusting the sentencing date  
25 or, you know, the submission of subsequent materials.

1           Just on the issue of the medical treatment, I know  
2           that one of the last two letters that the Government sent  
3           indicated that Mr. Young would be scheduled for a surgery  
4           consult in December.

5           Is that still going to happen?

6           MS. PAK: Your Honor, I believe that date was for  
7           early December. In light of the update that is due I believe  
8           tomorrow to the Court, I was actually planning on following up  
9           with the contact at the Bureau of Prisons to see what the  
10          status of that is.

11          THE COURT: Okay. All right. Okay.

12          Anything else that you would like to add on that  
13          score?

14          MS. GLASHAUSSER: Yes, Your Honor, actually. It's  
15          something probably fairly significant.

16          Mr. Young -- and I have talked about this with the  
17          Government as well. But Mr. Young has reached a point with  
18          his current situation that he would like to be moved to the  
19          Hudson County correctional facility.

20          In his -- at Carewell he is again without hot water.

21          He has had a broken wheelchair for many, many months  
22          now. The one he is in today came from the U.S. Marshals,  
23          because he arrived here without a wheelchair at all.

24          He had no blood pressure medications over the long  
25          holiday weekend.

1           And perhaps most importantly, he does not feel safe  
2 at the facility due to a number of incidents with the guards  
3 there who are armed and have, on more than one occasion, taken  
4 their guns off of their holsters and taken them out, which  
5 makes Mr. Young feel very unsafe there.

6           He was recently also handcuffed so tightly -- and  
7 it's not that recently. He still has a mark that's visible on  
8 his arms from the cuffs, that you can see that they're --  
9 looks like there was a welt, it's just the skin is a different  
10 color there.

11           And so in that -- because of all of those things, I  
12 had been working with the Government to kind of gradually work  
13 on this process of moving him anyway, but today it just -- I  
14 am asking the Court to step in and get him moved as quickly as  
15 the Court can. The Government does not have any objection, is  
16 my understanding.

17           THE COURT: I mean, obviously that falls within the  
18 purview of the Marshals in effectuating any transfer. I don't  
19 know what the space -- facility availability is, I should say,  
20 at Hudson County.

21           And my earlier defendant today is there and was  
22 having some treatment issues there. I don't know that it gets  
23 better anywhere else. Although, there was no complaint about  
24 hot water. And there's that, but...

25           MS. GLASHAUSSER: Of course I don't know either if

1 it gets better.

2 THE COURT: Yes, I don't know. I don't know,  
3 honestly.

4 But Ms. Pak, since you are going to be looking into  
5 this anyway in the next day or so, would you see what can be  
6 done about that?

7 MS. PAK: Yes, Your Honor.

8 THE COURT: I have to say, this is just, you know,  
9 just it is very distressing because on the one hand Mr. Young  
10 and other defendants -- he's not the only defendant that I  
11 know in the courthouse that is at Carewell because the MDC  
12 can't treat them properly with respect to the medical  
13 treatment, but you can't go from a bad situation to a worse  
14 situation.

15 And how do they not have functioning wheelchairs?  
16 They are a medical facility, for goodness sake. I don't want  
17 to have to haul them in too. And I will.

18 I mean, it's bad enough that every facility that  
19 lately has been used by the MDC, healthcare facility that's  
20 been used by the MDC to refer the -- transfer patients to has  
21 been shut down by the various states because they're  
22 incompetent, because they're not doing what they're supposed  
23 to be doing.

24 I don't understand this. Where is the  
25 accountability here?

1           You know, P. Diddy gets upset and all of a sudden,  
2   you know, DOJ sends people over there to go check out what the  
3   conditions are, but regular people are suffering here and they  
4   couldn't give two hoots.

5           So, if you could please find out what is going on  
6   and see whether or not -- again, I don't know, he may be  
7   asking for something that is worse at Hudson, to tell you the  
8   truth, based on the reports that I got this morning from  
9   another defendant.

10           MS. GLASHAUSSER: I understand that and we've  
11   been -- just one moment, Your Honor.

12           (Pause in proceedings.)

13           MS. GLASHAUSSER: Your Honor, your comments are  
14   significantly worrying Mr. Young. It is hard to know if any  
15   place would be better.

16           And I guess I will work with the Government. Maybe  
17   they can shed some light on that and what would happen at  
18   Hudson.

19           THE COURT: Because keep in mind that Hudson is a  
20   local facility. Okay? They are contracted by the Marshals.  
21   Okay? So frankly, there is a lot more control that I could  
22   exert over the Bureau of Prisons than I could over a local  
23   facility. That's the other thing.

24           You know, I don't know to what extent -- they serve  
25   a different master, right? They are serving the State. That



1 is where they get the bulk of their funds and stuff from.

2 But I'm just saying, because you may be thinking  
3 that it's better. And I don't know what the word of mouth is,  
4 but I just heard the opposite this morning, again, from  
5 somebody who also suffers from a lot of chronic ailments.

6 So sometimes, you know that saying, the devil you  
7 know, right, is better than the devil you don't know.

8 But let's just focus on at least getting you the  
9 proper attention because we know that they're capable of doing  
10 that where you're at right now. They just need to get on the  
11 stick.

12 I just don't understand how a medical facility  
13 doesn't have a working wheelchair or sends a patient out who  
14 has ambulation issues without a wheelchair.

15 MS. GLASHAUSSER: Yes.

16 Your Honor, my understanding is that MDC is somehow  
17 responsible for giving him a working wheelchair, or that's  
18 what the marshals that I've been in contact with about the  
19 facility have told me. And I have been reaching out to MDC  
20 and cc'ing the Government about this. I am personally shocked  
21 that they brought him here without a wheelchair. They had him  
22 walk on his broken knee to get to the car. So that  
23 obviously -- that seems -- that seems like one that should be  
24 able to be easily fixed.

25 Some of the other things -- one thing that I didn't

1 mention that I want to make sure that is on Your Honor's  
2 radar.

3 Mr. Young has been requesting a visit from a  
4 therapist for some time now, from a social worker, a  
5 psychiatrist, somebody that he can speak to. After a long  
6 time of requesting that, somebody was finally brought to his  
7 room just last week, but they wouldn't give him any sound  
8 privacy. So with other doctors, with lawyers, the guards  
9 stand outside so Mr. Young is able to have privacy with his  
10 medical and legal professionals. But for whatever -- for  
11 unknown reasons with this person he wasn't able to do it, so  
12 he wasn't able to speak, to speak to that doctor.

13 So that's another issue that I just now e-mailed MDC  
14 about today. But it is a significant one because I do want  
15 him -- I think it's essential that he get help with his mental  
16 health as well when he is requesting it.

17 THE COURT: I think by now the MDC should know that  
18 I'm not happy with them. So tell them that if they don't want  
19 to see me more unhappy that they should get on the stick on  
20 this.

21 MS. PAK: Understood, Your Honor. I will follow up  
22 on those two issues.

23 THE COURT: Thank you very much. I appreciate that.

24 Okay. Well, let's see. If you need another extra  
25 day for your report, that's fine, but I would rather have as

1 much information as possible.

2 MS. PAK: Understood, Your Honor.

3 THE COURT: Okay? All right.

4 MS. GLASHAUSSER: If I may? Just one other matter.

5 THE COURT: Yes.

6 MS. GLASHAUSSER: That maybe I neglected to mention  
7 initially.

8 THE COURT: Yes.

9 MS. GLASHAUSSER: Because there is no hot water and  
10 also because he has run out of soap and I was not allowed to  
11 bring it to him today -- they said I had to come physically to  
12 New Jersey to bring it, which means there will be quite a  
13 delay -- Mr. Young has not had a real shower in a very long  
14 time.

15 THE COURT: Oh, my God. Really? In his condition?

16 THE DEFENDANT: July 25th.

17 THE COURT: What?

18 THE DEFENDANT: July 25th.

19 MS. GLASHAUSSER: He washes with, like, wipes,  
20 basically. And they warm up cups of water in the microwave so  
21 that the wipes aren't freezing cold with the water.

22 THE COURT: You know, if a landlord did that to a  
23 regular tenant, they would be sued up the wazoo.

24 I don't understand this. Doesn't the Bureau of  
25 Prisons vet these places before they contract? I don't

1 understand how these contracts go out.

2 All right. So we will add that to the list.

3 I appreciate that the two lawyers are talking to  
4 each other and trying to work it out.

5 Obviously, if, you know, some sort of order is  
6 necessary from me, you can just reach out.

7 MS. PAK: Understood, Your Honor.

8 THE COURT: Okay?

9 MS. GLASHAUSSER: Thank you, Your Honor.

10 THE COURT: All right. Thank you.

11 Marshals, thank you.

12 (Matter concluded.)

13

14 \* \* \* \* \*

15

16 I certify that the foregoing is a correct transcript from the  
17 record of proceedings in the above-entitled matter.

18 /s/ Andronikh M. Barna

December 10, 2024

19 \_\_\_\_\_  
ANDRONIKH M. BARNA

\_\_\_\_\_  
DATE

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